

**REMARKS**

At the time of the Office Action dated October 21, 2004, claims 1-18 were pending. In this Amendment, claims 1-3, 9, 13, 17 and 18 have been amended, claims 4-8 and 11 canceled, and claims 19-22 added. Care has been exercised to avoid the introduction of new matter. Specifically, claims 1-3, 9 and 17 have been amended to improve wording. Claims 17 and 18 have also been amended to recite a computer readable medium. Claims 13 and 18 have been amended to include the limitation "said corresponding points are set based on a partial image located further remotely from a region where at least three partial images including the other partial image overlap with each other," which is supported on, for example, page 11 of the specification. New claims 19 and 20 have been prepared based on claims 1 and 13, respectively.

**Information Disclosure Statement.**

Applicant notes that the Information Disclosure Statement filed February 1, 2001 has not been acknowledged. Applicant respectfully requests the Examiner to clarify the record by acknowledging receipt of the IDS and provide a copy of the PTO-1449 form appropriately initialed indicating consideration of the cited prior art.

**Claims 1-18 have been rejected under 35 U.S.C. §102(e) as being anticipated by Cullen.**

In the statement of the rejection, the Examiner asserted that Cullen discloses an apparatus for aligning more than two fragments of an image to assemble the image identically corresponding to what is claimed.

It is well established precedent that the factual determination of lack of novelty under 35 U.S.C. §102 requires the identical disclosure in a single reference of each element of the claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F. 3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994). Based on the above legal tenet, Applicant submits that Cullen does not disclose all the limitations recited in independent claims 1, 9, 13, 17 and 18.

With respect to claims 1, 9 and 17, Applicant emphasizes that Cullen does not disclose the limitation “said joining portion joins said divided images by placing importance on a region where greater number of said divided images overlap with each other.” Cullen merely discloses detecting characteristic points in overlapping regions, but is silent on “placing importance on a region where greater number of said divided images overlap with each other,” as claimed.

Based on Applicant’s review of Cullen, the limitation “said corresponding points are set based on a partial image located further remotely from a region where at least three partial images including the other partial image overlap with each other” has been added to claims 13 and 18 in this Amendment. Applicant believes that this limitation is not disclosed in Cullen.

Accordingly, Cullen does not disclose all the limitations recited in independent claims 1, 9, 13, 17 and 18 within the meaning of 35 U.S.C. §102, and thus, those claims are not anticipated by the reference.

It is also noted that a dependent claim is not anticipated if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claim. Therefore, claims 2, 3, 10, 12 and 14-16 are patentable because they respectively include all the limitations of independent claims 1, 9 and 13.

Applicant, therefore, respectfully solicits withdrawal of the rejection of the claims and favorable consideration thereof.

**New Claims 19-22.**

Applicant submits that Cullen does not disclose an image processing device including the limitations “said joining portion joins said divided images by placing importance on a region near the center of a joined image formed by joining all of said divided images” and “said corresponding points are set based on a partial image located further remotely from a region where at least three partial images including the other partial image overlap with each other,” recited in new claims 19 and 20. Applicant respectfully solicits favorable consideration of the new claims.

**Conclusion.**

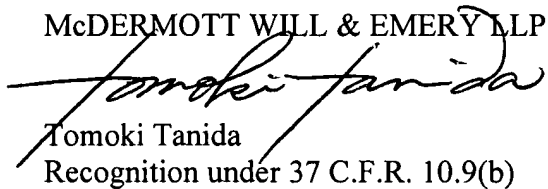
Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner’s amendment, Examiner is requested to call Applicants’ attorney at the telephone number shown below.

**Application No.: 09/774,709**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Tomoki Tanida", is written over the printed name and firm name.

Tomoki Tanida

Recognition under 37 C.F.R. 10.9(b)

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**Expires: June 1, 2006**

Harry I. Moatz

Director of Enrollment and Discipline